

On 21 July 2020 in the exercise of its summary conclusion powers under section 426 of the *Legal Profession Act 2008* (the *LP Act*) the Legal Profession Complaints Committee (*Committee*) resolved pursuant to section 426 of the LP Act that it was satisfied that there is a reasonable likelihood that the practitioner would be found guilty by the State Administrative Tribunal of unsatisfactory professional conduct within the meanings of sections 402 and 438 of the LP Act in that his conduct fell short of the standard of competence and diligence that a member of the public is entitled to expect of a reasonably competent Australian legal practitioner, in that, as the legal practitioner director of a firm (the *firm*) acting for a client (the *client*) in family law proceedings against Mr S (the *father*) he failed to:

1. ensure that a legal practitioner employed by the firm as a restricted practitioner pursuant to section 50 of the LP Act (the *restricted practitioner*) was supervised adequately or at all in circumstances where the restricted practitioner prepared and caused to be sent a letter dated 12 May 2017 (the *Principal's Letter*) to the Principal of the school attended by the children of the father and the client (the *Principal*) to a generic email address at the school and in which the restricted practitioner:
 - 1.1 conveyed the impression that the Family Court had approved that the father was prohibited from having any contact with the children until the next hearing date in the proceedings when she knew, or ought to have known, that there were no reasonable grounds to do so or was recklessly indifferent as to whether or not there were reasonable grounds to do so;
 - 1.2 made serious allegations concerning the Principal's conduct when she knew, or ought to have known, that there were no reasonable grounds or was recklessly indifferent as to whether or not there were reasonable grounds for the allegations;
 - 1.3 threatened to request an external investigation into the Principal's "*misconduct*" in a manner which was intimidatory and when she knew, or ought to have known, that there were no reasonable grounds to do so or was recklessly indifferent as to whether or not there were reasonable grounds to do so; and
 - 1.4 caused a copy of the Principal's Letter to be sent to the Standards and Integrity Directorate of the Department of Education in an attempt to intimidate the Principal and in support of the threat of an external investigation into the Principal's conduct in relation to the children; and
2. further or alternatively, take adequate steps to implement and/or maintain appropriate management systems to ensure that the provision of legal services by the restricted practitioner was in accordance with the professional obligations of Australian legal practitioners pursuant to section 105(3) of the LP Act.

Outcome: Public Reprimand